

Minutes  
Board of Supervisors  
Regular Meeting  
April 21, 2015

Members Present: Johnny Woodward, Chairman At-Large  
D. Keith Guzy, District 1  
David Wiatrowski, District 2  
J.D. Cave, District 3  
Darrell Short, District 4  
Dorothy F. Pendley, District 5

Staff Present: Amity Moler, County Administrator  
Nathan Miller, County Attorney  
Regina Miller, Assistant to the County Administrator  
Ben Blevins, Management Analyst  
Emily Short, CSA Coordinator  
John Thomas, Sheriff

**Call to Order:**

Chairman Johnny Woodward called to order the regular meeting of the Page County Board of Supervisors on April 21, 2015, at 7:00 p.m., at the Shenandoah Elementary School located at 529 Fourth Street, Shenandoah, VA 22849. The Call to Order was followed by the *Pledge of Allegiance* and the Invocation was given by Pastor Saylor.

**Adoption of the Agenda:**

**Motion:** Supervisor Guzy moved to adopt the agenda. Supervisor Cave seconded and the motion carried by a vote of 6-0. Aye: Woodward, Guzy, Wiatrowski, Cave, Short, Pendley. Nay: None.

**Public Hearing – Peddling & Soliciting Ordinance Amendment:**

**EXHIBIT A**

Chairman Woodward opened the public hearing on the Peddling & Soliciting Ordinance Amendment at 7:14 p.m.

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NOTICE OF PUBLIC HEARING  
BOARD OF SUPERVISORS  
COUNTY OF PAGE, VIRGINIA  
AN ORDINANCE TO AMEND CHAPTER 91.  
PEDDLING AND SOLICITING OF THE PAGE COUNTY CODE

PLEASE TAKE NOTICE: That the Board of Supervisors of the County of Page, Virginia shall hold a public hearing on April 21, 2015, at 7:00 p.m., at Shenandoah Elementary School, for the purpose of a public hearing on the proposed ordinance to Amend 91, Peddling and Soliciting of the Page County Code.

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The full text of the proposed Ordinance may be reviewed and inspected at the office of the County Administrator, 103 South Court Street, Suite F, Luray, Virginia 22835.

The public is invited to attend this public hearing to express their views thereon.

The Notice is given pursuant to 15.2-1427 of the Code of Virginia (1950), as amended.

\* \* \* \* \*

Mrs. Moler, County Administrator, explained Chapter 91 of the Page County Code addresses peddling and soliciting of products and services in residential areas of the County. The Sheriff's Office has received numerous calls about individuals holding signs outside of area businesses and along busy highways begging for money. The County currently has no ordinance on panhandling/begging. When complaints are lodged with the Sheriff's Office, the deputies have nothing to enforce. Mrs. Moler said the only thing added to the current code is solicitation restrictions for aggressive and threatening acts, and it lists the violations and penalties.

Sheriff Thomas suggested that County Attorney Miller contact Luray's Town Attorney to see about having the Town Council adopt a similar ordinance or allowing the Sheriff's Office to enforce the County ordinance in the Town. After discussion, Mr. Miller said he would contact all three towns.

Public Comments:

With no public speakers, Chairman Woodward closed the hearing at 7:18 p.m.

**Motion:** Supervisor Guzy moved to adopt the Ordinance to Amend Chapter 91, Peddling and Soliciting of the Page County Code and authorize legal counsel to reach out to all three towns. Supervisor Cave seconded and the motion carried by a vote of 6-0. Aye: Guzy, Wiatrowski, Cave, Short, Pendley, Woodward. Nay: None.

**Presentations, Proclamations, and Awards:**

There were no Presentations, Proclamations, and Awards.

**Public Comments on Agenda Items:**

There were no speakers during the Public Comments on Agenda Items.

**ACTION MATTERS:**

**Budget Changes:**

Ben Blevins, Management Analyst, explained the three appropriations totaling \$210,202.

Department	Description	Revenue Source	Expenditure	Amount
Sheriff's Office	Additional funding	VA Compensation Board	Sheriff's Office Sheriff, Jail, Crime Prevention	\$19,741
Page County Water Quality Advisory Board	Additional funding	Commonwealth of VA	Page County Water Quality Agua Fund	\$2,800
Comprehensive Services CSA	Additional funding	Commonwealth of VA	CSA FAPT & CPMT	\$131,709
Comprehensive Services CSA	Additional funding	Page County Government	CSA FAPT & CPMT	\$55,952
Total				\$210,202

**Motion:** Supervisor Cave moved to approve the appropriation of Temporary Payroll funds in the amount of \$19,741 to the Page County Sheriff's Office. Supervisor Wiatrowski seconded and the motion carried by a vote of 6-0. Aye: Wiatrowski, Cave, Short, Pendley, Woodward, Guzy. Nay: None.

**Motion:** Supervisor Cave moved to approve the appropriation of the Agua Grant request in the amount of \$2,800 to the Page County Water Quality Advisory Committee. Supervisor Pendley seconded and the motion carried by a vote of 6-0. Aye: Cave, Short, Pendley, Woodward, Guzy, Wiatrowski. Nay: None.

**Motion:** Supervisor Cave moved to approve the appropriation of state and local funds in the amount of \$187,661 to the Page County CSA Department, and that the local share (\$55,952) will come from the Board Reserve. Supervisor Pendley seconded and the motion carried by a vote of 6-0. Aye: Short, Pendley, Woodward, Guzy, Wiatrowski, Cave. Nay: None.

#### **Board and Commission Appointments:**

Regina Miller, Assistant to the County Administrator, explained that the District 1 seat on the Broadband Authority expired on April 1, 2015. Bernie Miller held this position and is willing to be reappointed.

**Motion:** Supervisor Guzy moved to appoint Bernie Miller to the Broadband Authority, as the District 1 representative, for a four year term through April 1, 2019. Supervisor Wiatrowski seconded and the motion carried by a vote of 6-0. Aye: Pendley, Woodward, Guzy, Wiatrowski, Cave, Short. Nay: None.

#### **Consent Agenda:**

**Motion:** Supervisor Short moved to approved the Consent Agenda as follows:

- Financial Reports for the period of March 1-31, 2015;
- Accounts payable checks, payroll checks, payroll direct deposits, and payroll tax related electronic fund transfers totaling \$1,318,321.83 for the month of March 2015;

- Minutes of February 26, 2015, March 3, 2015, March 12, 2015, March 17, 2015, and March 26, 2015;
- Coyote claim to Bryan Nelson in the amount of \$50.00.

Supervisor Wiatrowski seconded and the motion carried by a vote of 6-0. Aye: Woodward, Guzy, Wiatrowski, Cave, Short, Pendley. Nay: None.

**Old Business:**

There was no Old Business for the Board to consider.

**New Business:**

**Supervisor's Corner – April 2015**

Supervisor Cave presented the monthly publication for Supervisor's Corner for the month of April. He noted that his subject was taxes and it is ready for the website and community.

Supervisor Cave asked if the Board could consider an ordinance for those persons who visit the County from other countries who wear clothing of their particular counties that conceal their identity.

Sheriff Thomas said Federal and State law protect people to express their religious rights and identity. Sheriff Thomas feels it is improper to try to tell someone from another nation how to dress and how to conduct themselves.

County Attorney Miller said individuals have a Constitutional right to express religion including dress.

**Open Public Comments:**

There were no comments.

**Administrator's Report:**

Mrs. Moler said a contract for bid will be going out soon for IT services. Also, the landfill bid for the landfill excavation project will be going out on May 15<sup>th</sup>, 2015, open on May 17<sup>th</sup>, due June 16<sup>th</sup>, 2015.

**Supervisors Time:**

All Board members thanked the citizens for attending the meeting and participating in local government.

Supervisor Short mentioned that the Shenandoah Valley Partnership will be coming to look at business opportunities

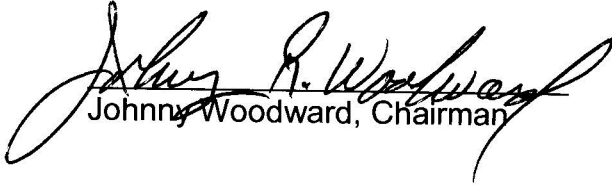
Supervisor Pendley reminded everyone of the Shenandoah Memorial Day parade.

Chairman Woodward said the Board received a thank you note from Mrs. Blevins about the Library funding and said it is available for the other Board members to read.

He also noted that the Virginia Secretary of Commerce is working with the Chamber and Mrs. Stephanie Lillard, Economic Development/Tourism Director to help with economic development efforts in the County.

**Adjourn:** 7:53 p.m.

With no further business, Chairman Woodward adjourned the meeting.

  
Johnny Woodward, Chairman

  
Amity Moler, County Administrator

**ORDINANCE TO AMEND CHAPTER 91. PEDDLING AND SOLICITING  
OF THE PAGE COUNTY CODE**

**WHEREAS**, by Ordinance duly adopted, the Board of Supervisors of the County of Page enacted Chapter 91. Peddling and Soliciting of the Page County Code; and

**WHEREAS**, such Ordinance is in full force and effect on the date hereof; and

**WHEREAS**, upon mature consideration, the Board has determined it advisable to amend the Ordinance to add new provisions pertaining to restrictions on solicitations, begging etc.

**NOW, THEREFORE**, be it resolved and ordained by the Board of Supervisors of the County of Page, Virginia, that Chapter 91. Peddling and Soliciting be amended to add a new Article II as follows:

1. Chapter 91. Peddling and Soliciting, Article II, Restrictions on Solicitations, Begging, etc. shall be added to read as follows:

**“ARTICLE II. Restrictions on Solicitations, Begging, etc.**

**§ 91-10. Purpose.**

The purposes of the solicitation restrictions imposed under this Article are to:

- A. Reduce the detrimental effect that threatening and intimidating conduct has on a safe environment in the county;
- B. Restrict certain aggressive acts of solicitors without prohibiting constitutionally protected activity; and
- C. Maintain the peace and order of the county and preserve and protect the rights of all citizens to be free of intimidation.

**§ 91-11. Definitions.**

- A. The following words, terms, or phrases shall have the following meanings ascribed to them in this Article, except where the context clearly indicates a different meaning:

**SOLICIT, ASK or BEG** means using the spoken, written, or printed word or bodily gestures, signs, or other means for the purpose of soliciting a ride, contributions, employment, business, or with the purpose of obtaining an immediate donation of money or other thing of value or soliciting the sale of goods or services regardless of the solicitor's purpose or intended use of the money or other thing of value.

**AGGRESSIVE MANNER** means and includes:

- (1) Touching or causing physical contact with another person without that person's consent in the course of soliciting, asking, or begging;
- (2) Blocking the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact in the course of soliciting, asking, or begging;
- (3) Approaching or following the person being solicited, if that conduct is: (i) intended to or is likely to cause a reasonable person to fear bodily harm or the commission of a criminal act upon the person or property in the person's possession; or (ii) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;
- (4) Continuing to solicit the person being solicited after the person has made a negative response, if continuing the solicitation is: (i) intended to or is likely to cause a reasonable person to fear bodily harm or the commission of a criminal act upon the person or property in the person's possession; or (ii) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;
- (5) Using violent, obscene, or threatening gestures or language toward a person solicited, if such conduct is intended to or is likely to cause a reasonable person to fear bodily harm to oneself, or the commission of a criminal act upon the person or upon property in the person's possession or otherwise be intimidated into giving money or other thing of value or buying merchandise.

**PUBLIC AREA** means an area to which the public has access, including, but not limited to: alleys, bridges, buildings, driveways, parking lots, playgrounds, sidewalks, streets open to the general public, and the doorways and entrances to public buildings, together with the grounds enclosing them.

- B. Any terms or words not specifically defined shall have their usual and customary American English language meanings.

**§ 91-12. Restrictions.**

No person shall solicit, ask, or beg in an aggressive manner, as defined herein, in any public place; or solicit, ask or beg:

- (1) In any public transportation vehicle, or bus station or stop; provided, however, that this paragraph shall not apply to services rendered in connection with such transportation services.
- (2) Within thirty (30) feet of any entrance or exit of any bank during the hours of operation of such bank.
- (3) Within thirty (30) feet of any automated teller machine, during the hours of operation of such machine.
- (4) On private property, if the owner, tenant, or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating those solicitations are not welcome on the property.

**§ 91-13. Exceptions.**

The provisions of this Article shall not apply to any person soliciting transportation in the case of a bona fide emergency, or from public transportation or transportation for hire. Acts constituting an exercise of a person's constitutional right to picket, protest, or speak and acts authorized by a permit issued by the county shall not constitute unlawful activity under this Article; nor does aggressive solicitation include solicitation without engaging in the acts specifically prohibited by this Article.

**§ 91-14. Violations and Penalties.**

Any person convicted of a violation of this Article shall be guilty of a class 2 misdemeanor. Any person convicted of a second or subsequent violation of this Article shall be guilty of a class 1 misdemeanor”

2. Except as modified herein, Chapter 91. Peddling and Soliciting shall remain in full force and effect.

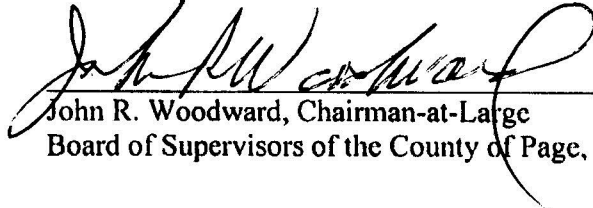


This Ordinance shall be in full force and effect from and after April 21, 2015,  
as provided by Virginia law.

Dates of Notice Publication: April 2, 2015

April 9, 2015

Date of Adoption of Ordinance April 21, 2015

  
John R. Woodward, Chairman-at-Large  
Board of Supervisors of the County of Page, Virginia

Attest:

Annika Reno  
\_\_\_\_\_, Clerk

### CERTIFICATE OF VOTES

The undersigned Clerk of the Board of Supervisors of Page County, Virginia, hereby certifies that the foregoing Ordinance constitutes a true and correct copy thereof adopted by the Board of Supervisors at a regular meeting duly held and called on April 21, 2015. A record of the roll-call vote by the Board of Supervisors is as follows:

NAME	AYE	NAY	ABSTAIN	ABSENT
John R. Woodward, Chairman-At-Large	✓			
D. Keith Guzy, Jr.	✓			
David Wiatrowski	✓			
J. D. Cave	✓			
Darrell I. Short	✓			
Dorothy F. Pendley	✓			

Dated: April 22, 2015

Anita Y. Nolan  
Clerk, Board of Supervisors  
Page County, Virginia